

REMARKS

Reconsideration of the present application in view of the above amendments and the following remarks is respectfully requested.

The Examiner has rejected claims 19 and 20 under 35 U.S.C. 102(b) as being anticipated by, or in the alternative, under 35 U.S.C. 103(a) as being obvious over, Takeuchi.

Claim 19 has been amended to further recite that the frame member is formed of silicon and that the movable and fixed electrodes are anchored/fixed on the frame member via an insulation layer. Support for these amendments may be found, for example, on page 8, lines 10-19 of the specification and in FIGs. 3 and 4.

Takeuchi differs from the present invention as recited in amended claim 19. Specifically, Takeuchi does not teach or suggest a frame member formed of silicon and including an opening defined between first and second frame parts. Rather, as shown for example in FIG. 2A and as described at col. 5, lines 35-40, the air gap 24 that is established between movable electrode 152 and substrate 11 is formed based on the thickness of insulation film 22 and therefore is not defined by and located between first and second frame parts of the frame member.

Therefore, in view of the above structural differences between the sensor recited in amended claim 19 and the sensor disclosed in Takeuchi, the Examiner has failed to establish a prima facie case of anticipation. Therefore, it is respectfully requested that the Examiner's rejection of claim 19, as well as claim 20 that depends therefrom, be withdrawn.

The Examiner has rejected claims 23 and 24 under 35 U.S.C. 103(a) as being obvious over the combination of Takeuchi and Sakai.

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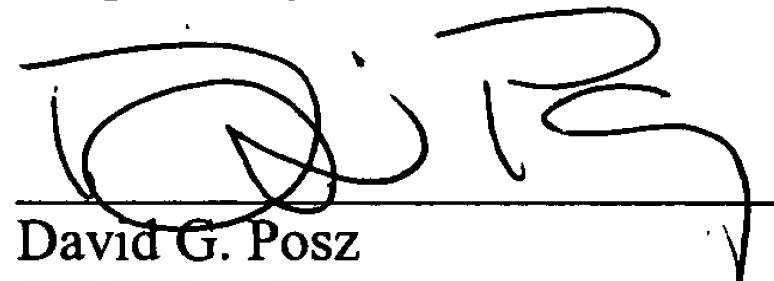
Both claims 23 and 24 ultimately depend from claim 19. As claim 19 is allowable for the above discussed reasons, it is respectfully requested that the Examiner's rejection of these claims be withdrawn.

The allowance of claims 1-4, 7-10, 21 and 22 is again noted and appreciated.

In view of the foregoing, Applicants respectfully submit that this application is in condition for allowance. A timely notice to that effect is respectfully requested. If questions relating to patentability remain, the Examiner is invited to contact the undersigned by telephone.

Please charge any unforeseen fees that may be due to Deposit Account No. 50-1147.

Respectfully submitted,

A handwritten signature in black ink, appearing to be 'D. G. Posz', written over a horizontal line.

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